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Attorneys for Defendant  
VECTRA AI, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA—SAN JOSE DIVISION

MICHAEL E. STERN,

Plaintiff,

vs.

VECTRA AI, INC.,

Defendant.

Case No. 5:23-cv-01522-SVK

**DECLARATION OF ANNETTE ROSE IN  
SUPPORT OF DEFENDANT VECTRA AI,  
INC.’S OPPOSITION TO PLAINTIFF’S  
SECOND MOTION IN LIMINE, DKT. 154**

**Pre-Trial Conference**

Date: January 23, 2025

Time: 10:00 a.m.

Dept.: Courtroom 6

Complaint Filed: March 30, 2023

Retrial Date: January 27, 2025

I, Annette Rose, declare as follows:

1. I am a partner with the law firm of Gordon Rees Scully Mansukhani LLP. Our firm is counsel for Defendant Vectra AI, Inc. (“Vectra”). I have personal knowledge of the facts set forth herein. This declaration is submitted in support of Vectra’s Opposition to Plaintiff’s *Motion in Limine* No. 2, Dkt. 154.

2. On July 20, 2023, Plaintiff Michael Stern (“Stern”) propounded his first set of request for production of documents on my office. On August 31, 2023, Vectra responded to

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1 Stern's requests, by and through my office. Attached as **Exhibit 1** is a true and correct copy of  
2 Vectra's responses that also include Stern's requests.

3 3. On November 6, 2023, Stern propounded his second set of request for  
4 production of documents on my office. Stern's second set of production was, in part, the  
5 result of my meet and confer efforts with Stern's former counsel of record, Hugh McKeegan,  
6 related to the pending electronic-discovery. On November 8, 2023, Stern propounded a third  
7 set of request for production of documents on Vectra. On December 6, 2023, my office served  
8 Vectra's responses to Stern's second request for production of documents and on December 8,  
9 2023, my office served Vectra's responses to Stern's third set of request for production of  
10 documents. Attached as **Exhibit 2** is a true and correct copy of Vectra's responses to Stern's  
11 second and third request for production of documents.

12 4. I engaged in robust meet and confer efforts with Mr. McKeegan regarding the  
13 discovery in this case. Our efforts primarily focused on the scope of the ESI discovery given  
14 the scope of the document production.

15 5. The documents that Vectra produced after the first trial in this case were not  
16 captured by the Parties' ESI search terms. Further, in my opinion, Exhibit 203, which is the  
17 subject of Stern's *Motion in Limine* No. 2, Dkt. 154, was not responsive to requests that were  
18 reasonably particularized for Vectra to identify and produce them. Vectra discovered the  
19 documents that are identified for retrial as Exhibit 203 during the course of the first trial and  
20 produced them to Plaintiff's counsel within a reasonable period thereafter.

21 6. During the Court's pretrial conference for the first trial, Vectra identified a text  
22 messages exchange between Michael Wilson and Landen Brown that the company intended to  
23 admit to establish its non-retaliatory reason for Stern's termination. This document was  
24 previously marked as Exhibit 200. During the pretrial conference, the Court sustained Stern's  
25 objection to this exhibit and excluded Vectra from introducing the document finding that  
26 Vectra's proffer on the document's authentication was insufficient. In light of the Court's  
27 prior ruling, Vectra determined that it would need to call Landen Brown to testify about his  
28 complaints to Vectra as the Court had excluded the text message based on Stern's objection.

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Attached as **Exhibit 3** is a true and correct copy of Vectra’s previously identified “Exhibit 200,” which the Court excluded during the first pretrial conference.

7. On October 3, 2023, my partner, Michael Laurenson, deposed Plaintiff Michael Stern. My office maintains electronic deposition transcripts and files in the ordinary course of business. Attached as **Exhibit 4** is a true and correct copy of excerpts of the deposition of Michael Stern.

8. Vectra only identified Tim Wade during the first trial in light of novel testimony and contentions from Stern and his primary supporting witness, Steve Hill. Tim Wade will testify about Stern’s briefings with the Army after the NCR test results were released.

I declare under penalty of perjury under the laws of the United States and California that the foregoing is true and correct.

Executed this 16th day of January 2025 at Sacramento, California

/s/ Annette L. Rose  
Annette L. Rose

# EXHIBIT 1

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Attorneys for Defendant  
 VECTRA AI, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA—SAN JOSE DIVISION**

MICHAEL E. STERN,

Plaintiff,

vs.

VECTRA AI, INC.,

Defendant.

Case No. 5:23-cv-01522-SVK

**DEFENDANT VECTRA AI, INC.’S  
 RESPONSE TO PLAINTIFF’S FIRST SET  
 OF INTERROGATORIES AND FIRST  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS**

Complaint Filed: March 30, 2023  
 Trial Date: October 21, 2024

PROPOUNDING PARTY: Plaintiff, MICHAEL E. STERN

RESPONDING PARTY: Defendant, VECTRA AI, INC.

SET NO.: ONE

**RESPONSES TO INTERROGATORIES**

**INTERROGATORY NO. 1:**

Identify all individuals you expect to call at trial or any hearing in this Action and set forth the facts to which each is expected to testify.

**RESPONSE TO INTERROGATORY NO. 1**

Defendant objects that this request calls for speculation and is premature given the fact that the Parties have not yet completed discovery and Defendant has not yet deposed Plaintiff to determine the scope of his claims and Vectra’s related defenses. (FRCP, Rule 26(b)(1).)

Defendant also objects to the extent that this request seeks disclosure of attorney work product

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and/or attorney-client privilege regarding the substance of witnesses' testimony at trial. (FRE Rule 501.) Subject to and without waiving said objections, Defendant responds as follows:

- Hitesh Sheth: Mr. Sheth is anticipated to testify about Vectra AI, Inc.'s ("Vectra") operations, including Vectra's products and services. Mr. Sheth is also expected to testify about Vectra's offer of employment to Mr. Stern, Vectra's National Cyber Range ("NCR") testing, Mr. Stern's concern, if any, about Vectra's NCR test results, and Vectra's decision to terminate Mr. Stern's employment.
- Aaron Bean: Mr. Bean is expected to testify about Vectra's policies and procedures regarding anti-discrimination, harassment, and retaliation, and the company's handling of any complaints of same. Mr. Bean is also expected to testify about Mr. Stern's termination, complaints about Mr. Stern's inappropriate workplace conduct, and off boarding.
- Randy Schirman: Mr. Schirman is expected to testify about Mr. Stern's improper workplace conduct and complaints from Mr. Schirman's colleagues and subordinates about same.
- Michael Wilson: Mr. Wilson is expected to testify about Mr. Stern's improper workplace conduct and complaints from prospective partners and/or clients about same.
- Marty Sanders: Mr. Sanders is expected to testify about Mr. Stern's onboarding to Vectra, including proffered information regarding employment and sales opportunities at Vectra. Mr. Sanders is also expected to testify about Mr. Stern's separation from Vectra and the circumstances leading to his termination.
- Nathan Einwechter – Mr. Einwechter is expected to testify about Vectra's Platform, Vectra's National Cyber Range testing report, and response to same.
- Zach Vaughn – Mr. Vaughn is expected to testify about Vectra's National Cyber Range testing report and Vectra response to same.

Vectra reserves the right to supplement and/or amend these responses as further investigation into the claims and defenses in this Action continue and are ongoing.

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**INTERROGATORY NO. 2:**

Identify all individuals you believe may have any knowledge, information, or documents concerning or relevant to any of the subjects or factual allegations set forth in Plaintiff's Amended Complaint, and describe in detail the knowledge, information, or documents that person may have.

**RESPONSE TO INTERROGATORY NO. 2**

Defendant objects that this request calls for speculation, overbroad, vague, and is premature given the fact that the Parties have not yet completed discovery. Defendant also objects to the extent that this request seeks disclosure of attorney work product and/or attorney-client privilege regarding the substance of witnesses' testimony at trial. (FRE Rule 501.) Subject to and without waiving said objections, Defendant responds that the answer to this interrogatory would necessitate the examination, compilation, and summarization of extensive electronic business records and the burden of deriving or ascertaining the answer will be substantially the same for either party. Consequently, Vectra responds that they will provide Mr. Stern, by and through his counsel of record, a reasonable opportunity to examine certain responsive ESI records of Mr. Stern, Marty Sanders, Hitesh Sheth, Michael Wilson, Aaron Bean, and Brian Davis' outlook accounts as stipulated and agreed. Vectra also identifies Messrs. Einwechter and Vaughn who have knowledge about the NCR testing and related report, including testing parameters for the Vectra platform. Defendant will produce records regarding the NCR testing and handling of any related report. Nothing in this response shall be construed as Vectra waiving their right to object, narrow, or otherwise meet and confer regarding the ESI search terms proposed by Claimant's counsel and set forth as Exhibit A in Claimant's Request for Production of Documents, Set One.

Vectra reserves the right to supplement and/or amend these responses as further investigation into the claims and defenses in this Action continue and are ongoing.

**INTERROGATORY NO. 3:**

Identify all persons contributing to your answers to these interrogatories, specifying the answer(s) which he or she helped to prepare.

**RESPONSE TO INTERROGATORY NO. 3**

Defendant objects that this request seeks disclosure of attorney work product and/or attorney-client privilege regarding the substance of witnesses' testimony at trial. (FRE Rule 501.)

**INTERROGATORY NO. 4:**

Identify all persons that you expect to call as an expert witness at trial or any hearing in this Action.

**RESPONSE TO INTERROGATORY NO. 4**

Defendant objects that this request is premature as they have not yet had reasonable opportunity to investigate the claims and defenses at issue; thus, Defendant lacks sufficient information and knowledge to respond to this request. Defendant will identify their designated experts, if any, consistent with the Federal Rules of Civil Procedure, Rule 26.

**INTERROGATORY NO. 5:**

State and describe in detail each and every basis for Defendant's position that Plaintiff failed to adhere to an acceptable code of conduct and/or failed to abide by the company's policies and procedures.

**RESPONSE TO INTERROGATORY NO. 5**

Defendant responds that Plaintiff failed to adhere to Vectra's acceptable code of conduct in multiple regards, which culminated in his termination. Vectra received multiple complaints from Mr. Stern's colleagues that he routinely and excessively used foul, vulgar, and profane language in the workplace, including, but not limited to use of words, such as, *e.g.*, "fuck," "fuck you," "mother fucker," "fuck you bitch," among other inappropriate language. Vectra is aware that Randy Schirman and Marty Sanders verbally coached Mr. Stern regarding his use of inappropriate language in the workplace, but he continued to use such language nonetheless.

Vectra also received complaints from partners and prospective clients that Mr. Stern used similar vulgar and inappropriate language in client meetings, which jeopardized business relationships. In addition, in approximately early-to-mid May 2022, Vectra learned that Mr.



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1 Stern had engaged in at least one improper “side deal” that failed to comply with required  
2 policies and procedures. Such conduct violated Vectra’s business expectations and ethical  
3 code of conduct policy and resulted in unexpected monetary obligations to the organization  
4 that had not been properly or appropriately budgeted or vetted.

5 In mid-to-late May 2022, Defendant further responds that Vectra became aware that  
6 two female employees in the organization thought that Mr. Stern engaged in inappropriate  
7 workplace conduct, including, but not limited to sexual harassment, bullying, and  
8 discriminatory conduct. The first complainant reported that Mr. Stern inappropriately shouted,  
9 bullied, and otherwise harangued her during a work-related networking event. The  
10 complainant reported that Mr. Stern threatened to “get her fired” if she did not adhere to his  
11 business practices and demands, shouted profanities at her, and became animated in his  
12 conduct to an extent that the employee felt physically threatened and bullied. The complaint  
13 corroborated other complaints of Mr. Stern’s ongoing and extensive use of inappropriate and  
14 vulgar language in the workplace.

15 Upon investigating the first complaint, Vectra learned of a second, female complainant  
16 who reported that Mr. Stern made sexually suggestive comments to her and repeatedly called  
17 her at inappropriate times of day, *e.g.*, 2:00 a.m., despite the employees’ request to stop such  
18 conduct. The female employee characterized Mr. Stern’s conduct as being harassing based on  
19 her sex/gender. The complainants also reported that Mr. Stern engaged in gender-bias  
20 conduct, such as inappropriately talking over female executives during meetings,  
21 inappropriately using terms, such as “bitch,” during meetings, and excluding female  
22 executives from meetings that they otherwise should have attended. A third male employee  
23 reported that Mr. Stern showed an inappropriate sexually explicit message on his screen during  
24 an internal, remote meeting that was objectively offensive. Vectra determined the complaints  
25 to be credible and in violation of their zero tolerance policy against sexual harassment and  
26 operating a work environment free to harassment and discrimination based on gender/sex.

27 During Vectra’s investigation, Vectra learned that Mr. Stern’s team generally  
28 expressed concerns about his leadership ability and ability to work well with others. At least

one of Mr. Stern's colleagues expressed concern that he came to work intoxicated. Based on Vectra's strict anti-discrimination, harassment, and retaliation policies, prohibition on workplace bullying and harassment, and general determination that Mr. Stern was performing in an unsatisfactory manner, Vectra terminated Mr. Stern's employment effective June 3, 2022.

Defendant's investigation into the claims and defenses in this lawsuit are ongoing and Defendant reserves the right to supplement this response, if necessary, as additional responsive information is determined.

**INTERROGATORY NO. 6:**

State and describe in detail each and every basis for Defendant's assertion that it would have terminated Plaintiff even if Plaintiff had not sought remedial action following the 2022 National Cyber Range Testing.

**RESPONSE TO INTERROGATORY NO. 6**

Defendant objects that this request is argumentative and unintelligible insofar as it assumes facts not in evidence, particularly with regard to the phrase "... even if Plaintiff had not sought remedial action following the National Cyber Range Testing." Subject and without waiving said objections, Defendant incorporates by reference its response to Interrogatory No. 5 as if fully stated herein. Defendant further responds that Mr. Stern's purported "complaint" about the NCR Testing occurred in approximately early February 2022 – months before his termination. Vectra's investigation into Mr. Stern's workplace conduct did not occur until mid-to-late May 2022 and the investigation into his workplace conduct had no relation on the prior NCR testing, results of said testing, or Mr. Stern's purported "remedial action" of same.

Vectra further responds that the NCR results did not report that the Vectra Cognito product was "defective" or otherwise did not properly work as claimed in this lawsuit. Vectra disputes that Mr. Stern "sought remedial action" following the NCR testing. Vectra further responds that Vectra's data science and research teams primarily led the discussions on interpretation of the NCR test results and further handling of same. Vectra disputes that Mr. Stern had the technical expertise to take "remedial action" insofar as adjustments or

recalibration, if any, to the Vectra product following the NCR test results. Vectra's data science and research teams provided Mr. Stern, along with other sales team members, supplemental materials about how to interpret the NCR results and explain, as necessary.

Defendant's investigation into the claims and defenses in this lawsuit are ongoing and Defendant reserves the right to supplement this response, if necessary, as additional responsive information is determined.

**INTERROGATORY NO. 7:**

State and describe in detail the reason(s) for Plaintiff's termination known to Defendant at the time of Plaintiff's termination.

**RESPONSE TO INTERROGATORY NO. 7**

Defendant incorporates by reference its response to Interrogatory Nos. 5-6 as if fully stated herein.

**INTERROGATORY NO. 8:**

Identify each and every individual who played a role in Defendant's decision to terminate Plaintiff, including a description of the role played by each such individual and identifying which individual(s) had decision-making authority with respect to Plaintiff's termination.

**RESPONSE TO INTERROGATORY NO. 8**

Defendant identifies Vectra CEO, Hitesh Sheth, who is charged with Vectra's overall corporate decisions, management of operations, and setting of company expectations with regard to employee conduct.

Defendant identifies Vectra Vice President of Human Resources, Aaron Bean, who is charged with executing Vectra's policies, procedures, and practices pertaining to Human Resources, including, but not limited to employee compliance of acceptable workplace conduct.

Defendant identifies Mr. Stern's former supervisor, Marty Sanders, who corroborated Mr. Stern's concerns about his inappropriate workplace conduct.

Defendant identifies Randy Schirman, Vice President of Worldwide Channels and

1 Alliances, who raised concerns about complaints of sexual harassment and inappropriate  
2 workplace conduct against Mr. Stern from his female colleagues and subordinates.

3 Defendant's investigation into the claims and defenses in this lawsuit are ongoing and  
4 Defendant reserves the right to supplement this response, if necessary, as additional responsive  
5 information is determined.

6 **INTERROGATORY NO. 9:**

7 Identify all employees who quit or were terminated from Defendant's North American  
8 Sales organization during the period from July 1, 2021, to June 30, 2022, and, if terminated,  
9 the reason(s) for such termination.

10 **RESPONSE TO INTERROGATORY NO. 9**

11 Defendant objects that this request exceeds the permissible scope of discovery as it  
12 seeks information that is not relevant to Mr. Stern's claim nor Vectra's defenses and is not  
13 proportional to the needs of the case, among other basis of objection. (FRCP Rule 26(b).)  
14 Defendant further objects that this request impermissibly invades non-parties' Constitutional  
15 right to privacy in their personnel records and information. (Cal. Const., art. I, § 1.)

16 **INTERROGATORY NO. 10:**

17 Identify all contracts under which Defendant's product was to be or has been provided  
18 to or licensed for use by any customer within the federal government or customer working on  
19 behalf of the federal government for the period July 2021 to present.

20 **RESPONSE TO INTERROGATORY NO. 10**

21 Defendant objects that this request is overbroad, vague and ambiguous, particularly  
22 with regard to the phrase "all contracts under which Defendant's product was to be or has been  
23 provided to or licensed by use by any customer within the federal government or customer  
24 working on behalf of the federal government." Defendant objects that this request exceeds the  
25 permissible scope of discovery as it is not proportional to the needs in the case, considering the  
26 importance of the issues at stake in the action, the amount in controversy, the importance of  
27 the documents in resolving the issues, and that the burden and expense of the requested  
28 discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b).) Defendant further

objects that this request seeks disclosure of confidential non-party information that is not relevant to the claims or defenses and therefore imposes an unjustified invasion of privacy into non-party rights and privileges.

**INTERROGATORY NO. 11:**

State and describe in detail the results of the 2022 National Cyber Range Testing, specifically identifying any instances in which Defendant's product failed to detect a threat or attack and the reasons for such failure.

**RESPONSE TO INTERROGATORY NO. 11**

Defendant objects that their response to this interrogatory would require an examination, compilation, and summarizing of a business record and the burden of deriving or ascertaining the answer will be substantially the same for either party. Accordingly, Vectra refers Plaintiff to the National Cyber Range Testing Report and TG Real World Testing Guidance from which the answer to this interrogatory may be ascertained or derived in full. (FRCP, Rule 33(d).)

**INTERROGATORY NO. 12:**

State and describe in detail any steps taken by Defendant following the 2022 National Cyber Range Testing to address, understand, mitigate, troubleshoot, or otherwise remedy any failures or performance deficiencies of Defendant's product that were observed or identified during, through, or as a result of the 2022 National Cyber Range Testing.

**RESPONSE TO INTERROGATORY NO. 12**

Defendant objects that this request is vague and ambiguous and presumes certain allegations in the complaint are true, which Defendant denies. Consequently, this request is unintelligible and argumentative. Defendant further objects to the extent that this request seeks disclosure of attorney work product or attorney-client privileged information. (FRE Rule 501.) Subject to and without waiving said objections, Defendant disputes the characterization of this interrogatory as misleading and argumentative. Vectra responds that they had their data science and research teams review the results of the NCR testing. Vectra held multiple internal meetings with data science, research, sales, and products teams to interpret the NCR

1 results and determine what adjustments, if any, were necessary based on the test results.

2 Product testing, such as the NCR testing, which relies on the signature point of view,  
3 results in varied results when used in an assumed compromise system, such as the Vectra  
4 product. Following review and interpretation of the NCR test results, which are publically  
5 available, Vectra provided their sales/account team additional supporting materials around  
6 testing best practices with actual or prospective clients. Vectra's Product Management and  
7 Engineer teams were also available to provide support to the sales and accounts teams or  
8 clients as needed. Vectra's Product Management and Engineering also continuously work on  
9 improving their understanding of detecting malicious activity, improving capabilities, and  
10 updating the product, as necessary.

11 **INTERROGATORY NO. 13:**

12 State and describe in detail all facts known by Defendant related to Plaintiff's  
13 involvement in any effort by Defendant to address, understand, mitigate, troubleshoot, or  
14 otherwise remedy any failures or performance deficiencies of Defendant's product that were  
15 observed or identified during, through, or as a result of the 2022 National Cyber Range  
16 Testing.

17 **RESPONSE TO INTERROGATORY NO. 13**

18 Defendant responds that Mr. Stern was not involved, in any material capacity, in  
19 addressing, understanding, mitigating, troubleshooting, any alleged failure or performance  
20 deficiencies of Vectra's platform as observed or identified through the 2022 NCR Testing.  
21 Vectra's data science and research teams are primarily tasked with such duties. Vectra's data  
22 scientists and research teams provided Mr. Stern, among other sales and product team  
23 members, supplemental materials that could be used to discuss or address best testing practices  
24 with actual or prospective clients. Vectra encourages prospective clients to use the product in  
25 an assumed compromise condition to best display product capability. Defendant further  
26 identifies Vectra's testing guide and email correspondence regarding the NCR testing  
27 concurrently produced herein from which the answer to this interrogatory could be ascertained  
28 or derived.

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**INTERROGATORY NO. 14:**

State and describe in detail all facts known by Defendant, including when Defendant learned such facts, regarding the minimum number of endpoints in an environment or network that are required for all of the algorithms used by Defendant's product to be effective.

**RESPONSE TO INTERROGATORY NO. 14**

Defendant objects that this request is vague and ambiguous and otherwise unintelligible, particularly with regard to the phrases "the minimum number of endpoints in an environment or network that are required for all of the algorithms used by Defendant's product to be effective." Defendant objects that this request exceeds the permissible scope of discovery as the information sought is not relevant to either the claims or defenses at issue. Defendant further objects to the extent that this request seeks disclosure of expert opinion. (FRE 702.) Subject to and without waiving said objections, Vectra responds that this request is too ambiguous to be answered clearly and directly; accordingly, Vectra responds: "It depends." If Plaintiff seeks information regarding the Vectra portfolio as a whole, then Vectra responds that the minimum endpoints could be "1." If Plaintiff seeks information regarding each individual data detection platform, then Vectra responds that this request is too overbroad and ambiguous to respond. Vectra further directs Plaintiff to Vectra's testing guide from which the answer to this interrogatory could be ascertained or derived.

**INTERROGATORY NO. 15:**

State and describe in detail all facts known by Defendant related to Plaintiff's prospective employment opportunity with Darktrace Holdings, Ltd., including, but not limited to, comments made by Michael Wilson to Sally Grant regarding Plaintiff.

**RESPONSE TO INTERROGATORY NO. 15**

Defendant responds that they do not have any information about Mr. Stern's efforts, if any, to secure prospective employment with Darktrace Holdings, Ltd. Vectra has no record or information that Darktrace Holdings, Ltd. contacted Vectra's Human Resources Department for a reference check. If they had, Vectra would have only confirmed the dates of Mr. Stern's employment dates and his salary at separation pursuant to company policy.



**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS****REQUEST FOR PRODUCTION NO. 1:**

All documents that you intend to introduce into evidence in support of any dispositive motion or at trial in this Action.

**RESPONSE TO REQUEST NO. 1:**

Defendant objects that this request is premature, compound, and calls for speculation since Defendant has not yet been able to conduct any reasonable or material discovery into Plaintiff's claims and Vectra's potential defenses. Defendant further objects to the extent that this request seeks disclosure of attorney work product privileged documents. (FRE Rule 501). Defendant objects that this request seeks disclosure of expert opinion or report that Defendant has not yet been able to conduct sufficient discovery to ascertain or determine. (FRE 702.) Defendant objects that this request fails to describe with any reasonable particularity the scope of documents sought. (FRCP Rule 34(b)(1)(A).)

**REQUEST FOR PRODUCTION NO. 2:**

Plaintiff's complete personnel file.

**RESPONSE TO REQUEST NO. 2:**

Defendant responds that this request is cumulative and duplicative as Defendant has already produced a true and correct copy of Plaintiff's complete personnel file.

**REQUEST FOR PRODUCTION NO. 3:**

All communications between or among Stern and any one or more of the Phase I Custodians identified in the attached **Exhibit A**, without regard to any other sender, recipient, or participant in the communication.

**RESPONSE TO REQUEST NO. 3:**

Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501). Defendant objects that this request fails to describe with any reasonable particularity the scope of documents sought. (FRCP Rule 34(b)(1)(A).) Defendant further objects that this request is vague, ambiguous, and unintelligible, and Defendant objects that this request seeks disclosure of documents that are



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not relevant to the action and are not relevant to the claims and defenses in this matter; thus, they exceed the permissible scope of discovery in this matter. Defendant objects that this request exceeds the permissible scope of discovery as it is not proportional to the needs in the case, considering the importance of the issues at stake in the action, the amount in controversy, the importance of the documents in resolving the issues, and that the burden and expense of the requested discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b).) Subject to and without waiving said objections, Defendant responds that they have retained a third-party ESI liaison to assist with this discovery request. As of the date of these responses, the third-party liaison is still conducting necessary quality control assessment on the data based on its volume. Based on anticipated volume, Defendant anticipates further meet and confer necessary to narrow the scope of this request, among the other related ESI requests.

**REQUEST FOR PRODUCTION NO. 4:**

All communications relating to or regarding Stern that were sent or received by any one or more of the Phase I Custodians. In your response, please separately identify any and all such communications that involve or include and any one or more of the following individuals:

- Brad Woodberg
- Randy Schirman
- Bonnie Simmons
- Anastasiya Farr
- Robert Marcoux
- Willem Hendrickx
- Marc Gemassmer
- Kevin Kennedy
- Kishore Yerramreddy
- Zach Vaughn
- Steve Hill
- Brett Klees

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**RESPONSE TO REQUEST NO. 4:**

Defendant objects that this request is beyond the scope of discovery that the Parties' agreed for Phase I as stipulated and ordered by the Court. Defendant objects that this request fails to describe with any reasonable particularity the scope of documents sought. (FRCP Rule 34(b)(1)(A).) Defendant further objects that this request is vague, ambiguous, and unintelligible, and Defendant objects that this request seeks disclosure of documents that are not relevant to the action and are not relevant to the claims and defenses in this matter; thus, exceed the permissible scope of discovery. Defendant objects that this request exceeds the permissible scope of discovery as it is not proportional to the needs in the case, considering the importance of the issues at stake in the action, the amount in controversy, the importance of the documents in resolving the issues, and that the burden and expense of the requested discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501.) Subject to and without waiving said objections, Defendant responds that they are agreeable to further meet and confer to determine an appropriate and reasonable scope of discovery in response to this request.

**REQUEST FOR PRODUCTION NO. 5:**

All documents or communications relating to Defendant's recruitment of Stern, including, but not limited to, references to or discussions of Defendant's then-existing or prospective federal customers; the then-existing sales pipeline for Defendant's Federal DoD sales region; and Defendant's status with regard to obtaining FedRAMP certification.

**RESPONSE TO REQUEST NO. 5:**

Defendant objects that this request is vague, ambiguous, and compound and based on the form the inquiry, the inquiry fails to identify with any reasonable particularity the scope of documents sought. (FRCP Rule 34(b)(1)(A).) Defendant objects that this request exceeds the permissible scope of discovery as it is not proportional to the needs in the case, considering the importance of the issues at stake in the action, the amount in controversy, the importance of the documents in resolving the issues, and that the burden and expense of the requested

1 discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b).) Subject to and  
2 without waiving said objections, Defendant responds that they are agreeable to further meet  
3 and confer to determine an appropriate and reasonable scope of discovery in response to this  
4 request.

5 **REQUEST FOR PRODUCTION NO. 6:**

6 All pitch decks, sales brochures, or other marketing materials used or distributed by  
7 Defendant's salespeople in marketing Defendant's product to customers within the federal  
8 government for the period July 2021 to present.

9 **RESPONSE TO REQUEST NO. 6:**

10 Defendant objects that this request fails to describe with any reasonable particularity  
11 the scope of documents sought. (FRCP Rule 34(b)(1)(A).) Defendant further objects that this  
12 request is vague, ambiguous, and unintelligible, and Defendant objects that this request seeks  
13 disclosure of documents that are not relevant to the action and are not relevant to the claims  
14 and defenses in this matter; thus, exceed the permissible scope of discovery. (FRCP, Rule  
15 26(b)(1).) Defendant objects that this request exceeds the permissible scope of discovery as it  
16 is not proportional to the needs in the case, considering the importance of the issues at stake in  
17 the action, the amount in controversy, the importance of the documents in resolving the issues,  
18 and that the burden and expense of the requested discovery outweighs any negligible benefit,  
19 if any. (*Ibid.*)

20 **REQUEST FOR PRODUCTION NO. 7:**

21 All contracts under which Defendant's product was to be or has been provided to or  
22 licensed for use by any customer within the federal government or customer working on behalf  
23 of the federal government for the period July 2021 to present.

24 **RESPONSE TO REQUEST NO. 7:**

25 Defendant objects that this request fails to describe with any reasonable particularity  
26 the scope of documents sought. (FRCP Rule 34(b)(1)(A).) Defendant objects that this request  
27 exceeds the permissible scope of discovery as it seeks documents that are not relevant to the  
28 claims and defenses in this action and it is not proportional to the needs in the case,

1 considering the importance of the issues at stake in the action, the amount in controversy, the  
2 importance of the documents in resolving the issues, and that the burden and expense of the  
3 requested discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b)(1).)

4 **REQUEST FOR PRODUCTION NO. 8:**

5 All salesforce.com logs from August 2021 through June 2022 related to Defendant's  
6 federal sales group.

7 **RESPONSE TO REQUEST NO. 8:**

8 Defendant will produce all responsive records in their possession, custody, and/or  
9 control.

10 **REQUEST FOR PRODUCTION NO. 9:**

11 All documents or communications relating to the 2022 National Cyber Range Testing,  
12 including any and all communications between any one or more of the Phase I Custodians and  
13 Defendant's Product Development Team and/or Data Science Team.

14 **RESPONSE TO REQUEST NO. 9:**

15 Defendant objects that the request as pertaining to "Defendant's Product Development  
16 Team and/or Data Science Team" is beyond the scope of Phase I discovery. Defendant further  
17 objects to the extent this request seeks disclosure of attorney-client and/or attorney work  
18 product privileged documents. (FRE 501.) Subject to and without waiving said objections,  
19 Defendant will produce all responsive documents that can be reasonably identified by the  
20 Phase I custodians. Defendant will also produce, to the extent it can reasonably identify at this  
21 stage of litigation, responsive documents from Vectra's Product Development Team and/or  
22 Data Science Team.

23 **REQUEST FOR PRODUCTION NO. 10:**

24 All documents or communications relating to any steps taken by Defendant following  
25 the 2022 National Cyber Range Testing to address, understand, mitigate, troubleshoot, or  
26 otherwise remedy any failures or performance deficiencies of Defendant's product observed  
27 during or discovered as a result of the National Cyber Range testing.

28 ///

**RESPONSE TO REQUEST NO. 10:**

Defendant objects that the request as pertaining to “Defendant’s Product Development Team and/or Data Science Team” is beyond the scope of Phase I discovery. Defendant further objects to the extent this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE 501.) Subject to and without waiving said objections, Defendant will produce all responsive documents that can be reasonably identified by the Phase I custodians. Defendant will also produce, to the extent it can reasonably identify at this stage of litigation, all non-privileged responsive documents in their possession, custody, and/or control.

**REQUEST FOR PRODUCTION NO. 11:**

All documents or communications relating to or referencing efforts made by Plaintiff to report, disclose, or request corrective action following the 2022 National Cyber Range Testing.

**RESPONSE TO REQUEST NO. 11:**

Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501.) Subject to and without waiving said objections, Defendant will produce all responsive documents in their possession, custody, and/or control.

**REQUEST FOR PRODUCTION NO. 12:**

All documents or communications reflecting any steps taken by Defendant to notify any customer, whether or not within the federal government, of the results of the 2022 National Cyber Range Testing.

**RESPONSE TO REQUEST NO. 12:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501.) Defendant objects that this request fails to identify with any reasonable particularity the scope of documents sought, particularly with regard to the phrase “any steps taken by Defendant to notify any customer, whether or not within the federal government, of the results of the 2022 National Cyber Range

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Testing.” (FRCP, Rule 34(b)(1)(A).) Defendant objects that this request exceeds the permissible scope of discovery as it seeks documents that are not relevant to the claims and defenses in this action and it is not proportional to the needs in the case, considering the importance of the issues at stake in the action, the amount in controversy, the importance of the documents in resolving the issues, and that the burden and expense of the requested discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b).) Subject to and without waiving said objections, Defendant responds that they are agreeable to further meet and confer to determine an appropriate and reasonable scope of discovery in response to this request.

**REQUEST FOR PRODUCTION NO. 13:**

All documents submitted by you or on your behalf and/or received by you, in relation to the claim for unemployment compensation benefits filed by Plaintiff with the Pennsylvania Department of Labor & Industry, Office of Unemployment Compensation Benefits.

**RESPONSE TO REQUEST NO. 13:**

Defendant responds that they have already produced all responsive documents in their possession, custody, and/or control through their initial disclosures.

**REQUEST FOR PRODUCTION NO. 14:**

A copy of any and all insurance policies or insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy such a judgment.

**RESPONSE TO REQUEST NO. 14:**

Defendant objects that this request exceeds the permissible scope of discovery as it seeks documents that are not relevant to the claims or defenses in this action. (FRCP, Rule 26(b).) Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501.) Subject to and without waiving said objections, Defendant responds that they will produce a copy of the declaration page of the applicable insurance policy that may be liable to satisfy all or part of the possible judgment in this action.

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**REQUEST FOR PRODUCTION NO. 15:**

All documents supporting or relating to any affirmative defense raised in your Answer to Plaintiff's Complaint.

**RESPONSE TO REQUEST NO. 15:**

Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501.) Defendant objects that this request improperly seeks disclosure of expert reports and information. (FRE Rule 702.) Defendant objects that this request is premature and overbroad, especially as Defendant has not yet been able to conduct material discovery, including taking Plaintiff's deposition, any third-party witness depositions, or issued any third-party subpoenas that may support their affirmative defenses. Subject to and without waiving said objections, Defendant responds that they will produce non-privileged documents that they can reasonably identify at this stage in the litigation.

**REQUEST FOR PRODUCTION NO. 16:**

All documents referred to or reviewed in drafting your answers to Plaintiff's First Set of Interrogatories.

**RESPONSE TO REQUEST NO. 16:**

Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501.) Subject to and without waiving said objections, Defendant will produce all non-privileged documents in their possession, custody, and/or control that they can reasonably identify at this stage in the litigation.

**REQUEST FOR PRODUCTION NO. 17:**

All ESI responsive to the search terms and custodians in the attachment marked as **Exhibit A**, for the date range July 1, 2021, to present.

**RESPONSE TO REQUEST NO. 17:**

Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (FRE Rule 501). Defendant objects that this request fails to describe with any reasonable particularity the scope of documents sought. (FRCP Rule

1 34(b)(1)(A).) Defendant further objects that this request is vague, ambiguous, and  
2 unintelligible, and Defendant objects that this request seeks disclosure of documents that are  
3 not relevant to the action and are not relevant to the claims and defenses in this matter; thus,  
4 they exceed the permissible scope of discovery in this matter. Defendant objects that this  
5 request exceeds the permissible scope of discovery as it is not proportional to the needs in the  
6 case, considering the importance of the issues at stake in the action, the amount in controversy,  
7 the importance of the documents in resolving the issues, and that the burden and expense of  
8 the requested discovery outweighs any negligible benefit, if any. (FRCP, Rule 26(b).) Subject  
9 to and without waiving said objections, as of the date of these responses, the third-party liaison  
10 is still conducting necessary quality control assessment on the data based on its volume.  
11 Based on anticipated volume, Defendant anticipates further meet and confer necessary to  
12 narrow the scope of this request, among the other related ESI requests.

13  
14 Dated: August 31, 2023

GORDON REES SCULLY MANSUKHANI, LLP

15  
16 By: 

17 Michael A. Laurensen  
18 Annette L. Rose  
19 Attorneys for Defendant  
20 VECTRA AI, INC.  
21  
22  
23  
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25  
26  
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28



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**VERIFICATION**

STATE OF CALIFORNIA        )  
  )  
COUNTY OF SAN JOSE        )

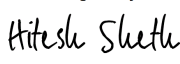
I, Hitesh Sheth, declare:

I am the President and Chief Executive Officer of **VECTRA AI, INC.**, a corporation organized and existing under the laws of Delaware, which is the Defendant in the above-entitled action. I am authorized to make this verification on its behalf.

I have read the foregoing **DEFENDANT VECTRA AI, INC.’S RESPONSE TO PLAINTIFF’S FIRST SET OF INTERROGATORIES AND FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS** on file herein and know the contents thereof. To the extent I have personal knowledge of the matters set forth therein, the same are true and correct. Insofar as said matters are a composite of the information of many individuals, I do not have personal knowledge concerning all of the information contained in said Response, but I am informed and believe that the information set forth therein for which I lack personal knowledge is true and correct.

I declare under penalty of perjury under the laws of the State of California and federal law that the foregoing is true and correct.

Executed at San Jose, CA on August 31, 2023 | 4:05 PM PDT

DocuSigned by:  
  
2C18DB28E7324A2...  
**Hitesh Sheth**

Re: *MICHAEL STERN v. VECTRA AI, INC*  
Case No. 5:23-cv-01522-SVK

### PROOF OF SERVICE

I am a citizen of the United States. My business address is 3 Parkcenter Drive, Suite 200, Sacramento, California 95825. I am employed in the City and County of Sacramento where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On August 31, 2023, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

#### DEFENDANT VECTRA AI, INC.'S RESPONSE TO PLAINTIFF'S FIRST SET OF INTERROGATORIES AND FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS

- ☐ MAIL: I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California to the offices of the addressee(s) listed below:
- ☐ PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
- ☐ OVERNIGHT DELIVERY: I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.
- ☒ **BY EMAIL OR ELECTRONIC TRANSMISSION:** I caused the documents to be sent to the person(s) at the E-Mail address(es) listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

***Attorneys for Plaintiff Michael Stern***  
Michael Pepperman  
Daniel Unterburger  
Obermayer Rebmann Maxwell & Hippel LLP  
1500 Market Street Suite 3400  
Philadelphia, PA 19102  
T: 215-665-3032  
[michael.pepperman@obermayer.com](mailto:michael.pepperman@obermayer.com)  
[daniel.unterburger@obermayer.com](mailto:daniel.unterburger@obermayer.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 31, 2023, at Sacramento, California.

  
\_\_\_\_\_  
VERONICA WHITAKER

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San Francisco, CA 94111

# EXHIBIT 2

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MICHAEL A. LAURENSEN (SBN: 190023)  
ANNETTE L. ROSE (SBN: 311274)  
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Attorneys for Defendant  
VECTRA AI, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA—SAN JOSE DIVISION**

MICHAEL E. STERN,

Plaintiff,

vs.

VECTRA AI, INC.,

Defendant.

Case No. 5:23-cv-01522-SVK

**DEFENDANT VECTRA AI, INC.’S  
RESPONSE TO PLAINTIFF’S SECOND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS**

Complaint Filed: March 30, 2023  
Trial Date: October 21, 2024

PROPOUNDING PARTY: Plaintiff, MICHAEL E. STERN

RESPONDING PARTY: Defendant, VECTRA AI, INC.

SET NO.: TWO

**RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**

**REQUEST FOR PRODUCTION NO. 1:**

Any and all calendars, whether physical or electronic, kept or maintained by or for Stern, Aaron Bean, Marty Sanders, Brian Davis, Hitesh Sheth, Zachary Vaughn, Nathan Einwechter, Brad Woodberg, Bonnie Simmons, and/or Ana Farr for the period February 1, 2022, through August 31, 2022. This request does not seek production of any personal or family calendars or calendar entries. To the extent personal or family calendar entries are redacted from a calendar otherwise responsive to this request, please identify those entries as such with an appropriate redaction marking on the document itself or in an appropriate privilege log.

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**RESPONSE TO REQUEST NO. 1:**

Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks extensive documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Defendant objects to the extent this request impermissibly invades non-parties' Constitutional right to privacy. (Cal. Const., art. I, § 1.) Subject to and without waiving said objections, Defendant responds that they will produce all responsive, non-privileged documents in their possession, custody, and/or control that are relevant to the claims and defenses in this action and proportional to the needs of the case.

**REQUEST FOR PRODUCTION NO. 2:**

Any and all communications, dated from on or about March 1, 2022, to June 3, 2022, regarding or relating to Stern being appointed to the position of interim federal sales leader, including, but not limited to, the April 29, 2022, e-mail in which Sanders communicated Stern's appointment to the federal sales team.

**RESPONSE TO REQUEST NO. 2:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant cannot identify any responsive documents in their possession, custody, and/or control. Defendant's investigation are ongoing and continuous and Defendant reserves the right to supplement or amend this responsive if responsive documents are later discovered.

**REQUEST FOR PRODUCTION NO. 3:**

A copy of the consulting agreement between Vectra and Marty Sanders.

///

**RESPONSE TO REQUEST NO. 3:**

Defendant objects that this request seeks documents beyond the permissible scope of discovery as this request seeks extensive documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Defendant objects that this request invades third-party right to privacy. (Cal. Const., art. I, § 1.)

**REQUEST FOR PRODUCTION NO. 4:**

Any and all documents, communications, or other records containing or reflecting communications by, between, or among Aaron Bean, Marty Sanders, Randy Schirman, Michael Wilson, Hitesh Sheth, Ana Farr, and/or Bonnie Simmons regarding either Stern's alleged workplace misconduct, Vectra's alleged investigation of same, and/or Stern's termination.

**RESPONSE TO REQUEST NO. 4:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant will permit the request as requested and produce all responsive documents that can be identified in their possession, custody, and/or control.

**REQUEST FOR PRODUCTION NO. 5:**

Any and all documents, communications, or other records containing, reflecting, or discussing any purported "counseling" provided to Stern by Randy Schirman or Marty Sanders regarding any of the alleged workplace conduct issues identified in Vectra's response to Plaintiff's Interrogatory No. 5.

**RESPONSE TO REQUEST NO. 5:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc.

§ 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant cannot identify any responsive documents in their possession, custody, and/or control. Defendant's investigation are ongoing and continuous and Defendant reserves the right to supplement or amend this responsive if responsive documents are later discovered.

**REQUEST FOR PRODUCTION NO. 6:**

All communications between Stern and either (a) Bonnie Simmons or (b) Ana Farr for the period March 1, 2022, though June 3, 2022.

**RESPONSE TO REQUEST NO. 6:**

Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks extensive documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Subject to and without waiving said objections, Defendant responds that they will produce all responsive documents in their possession, custody, and/or control that are relevant to the claims and defenses in this action and proportional to the needs of the case.

**REQUEST FOR PRODUCTION NO. 7:**

Any and all documents, communications, or other records showing the dates on which any and all interviews taken in connection with Vectra's alleged investigation of Stern were conducted and the individuals who participated in said interviews.

**RESPONSE TO REQUEST NO. 7:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant will permit the request as requested and produce all non-responsive documents, if any, that can be identified in their possession, custody, and/or control. Defendant will also produce a privilege log for any responsive, but privileged, responsive documents, pursuant to the Parties' meet and confer.

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**REQUEST FOR PRODUCTION NO. 8:**

Any and all documents, communications, or other records showing the dates on which Vectra executives first became aware of the specific instances of alleged misconduct described in Vectra’s response to Plaintiff’s Interrogatory No. 5.

**RESPONSE TO REQUEST NO. 8:**

Defendant objects that the phrase “Vectra executives” is vague and ambiguous, especially in the context of this litigation; thus, Defendant objects that this request fails to identify with any reasonable particularity the scope of documents sought. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant will permit the request as requested and produce all responsive documents that can be identified in their possession, custody, and/or control. Defendant will also produce a privilege log for any responsive, but privileged, responsive documents, pursuant to the Parties’ meet and confer.

**REQUEST FOR PRODUCTION NO. 9:**

Any and all documents, communications, or other records containing or reflecting communications between Stern and Randy Schirman regarding any purported “side deal” related to or involving the consultant Jim Neighbors and Vectra’s distributor, Carahsoft.

**RESPONSE TO REQUEST NO. 9:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant will permit the request as requested and produce all responsive documents that can be identified in their possession, custody, and/or control.

**REQUEST FOR PRODUCTION NO. 10:**

Any and all documents, communications, or other records relating to or regarding Vectra’s alleged investigation of Stern’s purported workplace misconduct. To the extent you



1 contend any such documents are privileged, please identify them on an appropriate privilege  
2 log.

3 **RESPONSE TO REQUEST NO. 10:**

4 Defendant objects to the extent that this request seeks disclosure of attorney-client  
5 and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc.  
6 § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said  
7 objections, Defendant will permit the request as requested and produce all responsive  
8 documents that can be identified in their possession, custody, and/or control. Defendant further  
9 responds that for any responsive, but privileged documents, Defendant will provide a privilege  
10 log consistent with the Parties' meet and confer.

11 **REQUEST FOR PRODUCTION NO. 11:**

12 Any and all documents, communications, or other records sent or received by Zachary  
13 Vaughn, Brad Woodberg, and/or Nathan Einwechter relating to or regarding the NCR Test  
14 and/or NCR Test results and/or known or suspected limitations of the Vectra product for the  
15 period December 1, 2021, through June 1, 2022.

16 **RESPONSE TO REQUEST NO. 11:**

17 Defendant objects to the extent that this request seeks disclosure of attorney-client  
18 and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc.  
19 § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Defendant objects that this request is  
20 cumulative and duplicative of other discovery already provided in this matter; thus, this  
21 request seeks only to impose undue burden and expense on Defendant and is not proportional  
22 to the needs of the case. Defendant further responds that they have already permitted  
23 inspection of the records demanded, which have been produced to Plaintiff through his counsel  
24 of record. To the extent that further responsive documents are identified, Defendant will  
25 permit the request as requested and produce all responsive documents in their possession,  
26 custody, and/or control.

27 ///

28 ///

**REQUEST FOR PRODUCTION NO. 12:**

Any and all documents or communications between Marty Sanders and Zachary Vaughn regarding or relating to the NCR test for the period February 1, 2022, through June 30, 2022.

**RESPONSE TO REQUEST NO. 12:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant cannot identify any responsive documents in their possession, custody, and/or control. Defendant's investigation is continuous and ongoing and Defendant reserves the right to supplement this response if later responsive documents are discovered.

**REQUEST FOR PRODUCTION NO. 13:**

Any and all documents or communications that support or substantiate Vectra's statement that the NCR Test results are "publicly available." *See* Response to Interrogatory No. 12.

**RESPONSE TO REQUEST NO. 13:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant objects that this request is cumulative and duplicative of other discovery already provided in this matter; thus, this request seeks only to impose undue burden and expense on Defendant and is not proportionate to the needs of the case. Defendant further responds that they have already permitted inspection of the records demanded, which have been produced to Plaintiff through his counsel of record. To the extent that further responsive documents are identified, Defendant will permit the request as requested and produce all responsive documents in their possession, custody, and/or control.

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**REQUEST FOR PRODUCTION NO. 14:**

Any and all documents or communications that support or substantiate Vectra's statement that the NCR Test "relie[d] on the signature point of view." *See* Response to Interrogatory No. 12.

**RESPONSE TO REQUEST NO. 14:**

Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant responds that based on the overbroad and vague nature of this request, they cannot determine the scope of responsive documents in their possession, custody, and/or control and invite Plaintiff to meet and confer over the scope of this request.

**REQUEST FOR PRODUCTION NO. 15:**

Any and all documents, communications, or other records showing the date by which Vectra first knew, became aware of, or suspected that its product may not be fully effective below the approximately 100 IP "floor" described by Steve Hill.

**RESPONSE TO REQUEST NO. 15:**

Defendant objects that this request is unintelligible insofar as it presumes certain allegations by non-parties are true, which Defendant denies. Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-

client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant responds that based on the overbroad and vague nature of this request, they cannot determine the scope of responsive documents in their possession, custody, and/or control and invite Plaintiff to meet and confer over the scope of this request.

**REQUEST FOR PRODUCTION NO. 16:**

Any and all documents, communications, or other records showing the date by which Vectra informed members of its federal sales teams of the approximately 100 IP “floor” for its product to be effective.

**RESPONSE TO REQUEST NO. 16:**

Defendant objects that this request is unintelligible insofar as it presumes certain allegations are true, which Defendant denies. Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant responds that based on the overbroad and vague nature of this request, they cannot determine the scope of responsive documents in their possession, custody, and/or control and invite Plaintiff to meet and confer over the scope of this request.

**REQUEST FOR PRODUCTION NO. 17:**

Any and all documents, communications, or other records relating to or reflecting information provided by Vectra to its federal sales staff regarding any previously undisclosed limitations of its product for the period February 1, 2022, to present. To avoid any confusion, “previously undisclosed limitations” is meant to refer to any limitation that had not been disclosed to the federal sales staff before the date of the disclosure.

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**RESPONSE TO REQUEST NO. 17:**

Defendant objects that this request is unintelligible insofar as it presumes certain allegations are true, which Defendant denies. Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030; Fed. Rules Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant responds that based on the overbroad and vague nature of this request, they cannot determine the scope of responsive documents in their possession, custody, and/or control and invite Plaintiff to meet and confer over the scope of this request.

**REQUEST FOR PRODUCTION NO. 18:**

Any and all documents, communications, or other records relating to or reflecting the reasons for Brian Davis' departure from Vectra.

**RESPONSE TO REQUEST NO. 18:**

Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks extensive documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030.) Defendant objects that this request invades third-party right to privacy. (Cal. Const., art. I, § 1.)

**REQUEST FOR PRODUCTION NO. 19:**

Any and all documents, communications, or other records relating to or reflecting communications between Marty Sanders and Brian Davis regarding Vectra's federal DOD sales pipeline for the period July 1, 2021, through December 31, 2021.

///

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**RESPONSE TO REQUEST NO. 19:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030.) Subject to and without waiving said objections, Defendant will permit the request as requested and produce all responsive documents that can be identified in their possession, custody, and/or control.

**REQUEST FOR PRODUCTION NO. 20:**

Any and all documents, communications, or other records relating to or reflecting communications between Marty Sanders and Brian Davis regarding the termination or separation of any member of Vectra's federal DOD sales team for the period July 1, 2021, through October 31, 2021.

**RESPONSE TO REQUEST NO. 20:**

Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks extensive documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030.) Defendant objects that this request invades third-party right to privacy. (Cal. Const., art. I, § 1.)

**REQUEST FOR PRODUCTION NO. 21:**

Any and all documents, communications, or other records relating to or reflecting communications by or involving Chris Howard that discuss or refer to Stern.

**RESPONSE TO REQUEST NO. 21:**

Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks documents that are not relevant to the claim or defense of any

party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030.)

**REQUEST FOR PRODUCTION NO. 22:**

Any and all documents, communications, or other records relating to or reflecting communications involving Chris Howard that discuss, refer, or relate to the NCR Test, the NCR Test results, or any known or suspected limitations on the effectiveness of Vectra's product with regard to the size of the environment in which the product is deployed.

**RESPONSE TO REQUEST NO. 22:**

Defendant objects to the extent that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. § 2018.030.) Subject to and without waiving said objections, Defendant cannot identify any responsive records in their possession, custody, and/or control.

**REQUEST FOR PRODUCTION NO. 23:**

All documents and ESI responsive to the search terms and parameters set forth in Exhibit A (attached). Plaintiff's counsel requests that Defendant's counsel identify date(s).

**RESPONSE TO REQUEST NO. 23:**

Defendant objects that the phrase "Plaintiff's counsel requests that Defendant's counsel identify dates," is vague and ambiguous rendering this request unintelligible. Defendant objects that this request fails to identify with any reasonable particularity each item or category of items to be inspected. (Fed. Rules Civ. Proc., Rule 34(b)(1)(A)-(C).) Defendant objects that the burden and expense of this request is disproportional to the needs of the case, considering the importance of the discovery in resolving issues and the proposed discovery outweighs its likely benefit. (Fed. Rules Civ. Proc. § 26(b)(1).) Defendant further objects that this request seeks documents beyond the permissible scope of discovery as this request seeks documents that are not relevant to the claim or defense of any party. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant objects that this request seeks disclosure of attorney-client and/or attorney work product privileged documents. (Evid. Code §§ 954-956; Code Civ. Proc. §



1 2018.030.)

2 Subject to and without waiving said objections, Defendant responds that the production  
3 of documents demanded in this request are not proportional to the Parties' needs in this case as  
4 the proposed search terms have yielded in excess of 6,500 documents with hits and in excess  
5 of 10,000 total documents with hits, including groups. The scope of these requested document  
6 production, coupled with the more than 5,500 documents that have already been produced by  
7 Defendant in this case, as well as the additional documents from this set of demands and  
8 Plaintiff's pending third set of discovery, is unduly burdensome and disproportionate to the  
9 Parties' needs of this single-plaintiff claim. Defendant objects to such excessive discovery as  
10 requested – given the claims and issues, the cumulative nature of these requests, and that the  
11 burden and expense of this requested discovery outweigh its likely benefit. Defendant is  
12 amenable to further meet and confer to narrow a more reasonable and proportionate scope of  
13 discovery.  
14

15 Dated: December 6, 2023

GORDON REES SCULLY MANSUKHANI, LLP

16  
17 By: 

18 Michael A. Laurenson  
19 Annette L. Rose  
20 Attorneys for Defendant  
21 VECTRA AI, INC.  
22  
23  
24  
25  
26  
27  
28



Re: *MICHAEL STERN v. VECTRA AI, INC*  
Case No. 5:23-cv-01522-SVK

### PROOF OF SERVICE

I am a citizen of the United States. My business address is 3 Parkcenter Drive, Suite 200, Sacramento, California 95825. I am employed in the City and County of Sacramento where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On December 6, 2023, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

### DEFENDANT VECTRA AI, INC.'S RESPONSE TO PLAINTIFF'S SECOND REQUESTS FOR PRODUCTION OF DOCUMENTS

- ☐ MAIL: I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California to the offices of the addressee(s) listed below:
- ☐ PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).
- ☐ OVERNIGHT DELIVERY: I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.
- ☒ **BY EMAIL OR ELECTRONIC TRANSMISSION:** I caused the documents to be sent to the person(s) at the E-Mail address(es) listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

<b><i>Attorneys for Plaintiff Michael Stern</i></b> Bruce C. Fox Hugh T. McKeegan Obermayer Rebmann Maxwell & Hippel LLP 525 William Penn Place, Suite 1710 Pittsburgh, PA 15219 T: (412) 566-1500; F: (412) 281-1530 <a href="mailto:bruce.fox@obermayer.com">bruce.fox@obermayer.com</a> <a href="mailto:hugh.mckeegan@obermayer.com">hugh.mckeegan@obermayer.com</a>	<b><i>Attorneys for Plaintiff Michael Stern</i></b> Chaka Okadigbo HKM Employment Attorneys LLP 700 S. Flower Street, Suite 1067 Los Angeles, CA 90017 T/F: (213) 431-6209 <a href="mailto:cokadigbo@hkm.com">cokadigbo@hkm.com</a>
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 6, 2023, at Sacramento, California.

  
VERONICA WHITAKER

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

MICHAEL A. LAURENSEN (SBN: 190023)  
ANNETTE L. ROSE (SBN: 311274)  
GORDON REES SCULLY MANSUKHANI, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111  
Telephone: (415) 986-5900  
Facsimile: (415) 986-8054  
[milaurenson@grsm.com](mailto:milaurenson@grsm.com)  
[arose@grsm.com](mailto:arose@grsm.com)  
Attorneys for Defendant  
VECTRA AI, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA—SAN JOSE DIVISION**

MICHAEL E. STERN,

Plaintiff,

vs.

VECTRA AI, INC.,

Defendant.

Case No. 5:23-cv-01522-SVK

**DEFENDANT VECTRA AI, INC.’S  
RESPONSE TO PLAINTIFF’S SECOND  
SET OF INTERROGATORIES AND  
THIRD REQUEST FOR PRODUCTION**

Complaint Filed: March 30, 2023  
Trial Date: October 21, 2024

PROPOUNDING PARTY: Plaintiff, MICHAEL E. STERN

RESPONDING PARTY: Defendant, VECTRA AI, INC.

SET NO.: Second Interrogatories / Third Request for Production

**RESPONSES TO SECOND INTERROGATORIES**

**INTERROGATORY NO. 16:**

State the total dollar amount of Defendant’s sales to federal Department of Defense (“DOD”) customers for each year during the period 2018-2023.

**RESPONSE TO INTERROGATORY NO. 16**

Defendant objects that this request exceeds the permissible scope of discovery insofar as it seeks disclosure of information that is not relevant to the claims and defenses at issue in this action and is not proportional, particularly with regard to “Defendant’s sales to federal Department of Defense” customers that are beyond Plaintiff’s employment tenure with Vectra. (Fed. Rul. Civ. Proc., Rule 26(b).) Vectra further objects that the information sought in this

discovery is confidential, private, and otherwise constitutes an unwarranted invasion into Defendant's right to privacy in their financial and customer information. (See generally *Roberts v. Gulf Oil Corp.*, 147 Cal.App.3d. 770, 796 (1983).) Subject to and without waiving said objections, Defendant responds that they will produce business records during the relevant period from which the answer to this interrogatory may be derived or obtained in relevant part and which the burden and expense on each party would be substantially the same. (Fed. Rules Civ. Proc., Rule 33(d).)

**INTERROGATORY NO. 17:**

State the number of new customers Defendant's Federal DOD business acquired each year during the period 2018-2023.

**RESPONSE TO INTERROGATORY NO. 17**

Defendant objects that this request exceeds the permissible scope of discovery insofar as it seeks disclosure of information that is not relevant to the claims and defenses at issue in this action or seeks information beyond Plaintiff's employment tenure with Vectra. (Fed. Rul. Civ. Proc., Rule 26(b).) Defendant's also object that this request is vague and is not proportional to the needs of the case, particularly with regard to the ambiguity in calculating or summarizing the "number of new customers" in Defendant's "Federal DOD business" is unclear given the process and circumstances of acquiring Federal DOD customers. (Fed. Rul. Civ. Proc., Rule 26(b).) Vectra further objects that the information sought in this discovery is confidential, private, and otherwise constitutes an unwarranted invasion into Defendant's right to privacy in their financial and customer information. (See generally *Roberts v. Gulf Oil Corp.*, 147 Cal.App.3d. 770, 796.) Subject to and without waiving said objections, Defendant responds that they will produce business records during the relevant period from which the answer to this interrogatory may be derived or obtained in relevant part and which the burden and expense on each party would be substantially the same. (Fed. Rules Civ. Proc., Rule 33(d).)

///

///

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**INTERROGATORY NO. 18:**

State the number of individuals working for Defendant (either as independent contractors or employees) in each of the company's departments/divisions (e.g., marketing, product management, data science, security research, etc.) for each year during the period 2020-2023.

**RESPONSE TO INTERROGATORY NO. 18**

Defendant objects that this request exceeds the permissible scope of discovery insofar as it seeks disclosure of information that is not relevant to the claims and defenses at issue in this action or seeks information beyond Plaintiff's employment tenure with Vectra. (Fed. Rul. Civ. Proc., Rule 26(b).) Subject to and without waiving said objections, Defendant responds that they will produce business records during the relevant period from which the answer to this interrogatory may be derived or obtained in full and which the burden and expense on each party would be substantially the same. (Fed. Rules Civ. Proc., Rule 33(d).)

**RESPONSES TO THIRD REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:**

Defendant's annual budget for each year during the period 2020-2023.

**RESPONSE TO REQUEST NO. 1:**

Defendant objects that this request exceeds the permissible scope of discovery as it seeks documents are not relevant to the claims or defenses in this action. (Fed. Rules Civ. Proc., Rule 26(b)(1).) Defendant is willing to meet and confer about a reasonable scope of discovery pertaining to this request.

**REQUEST FOR PRODUCTION NO. 2:**

Any and all documents or communications referred to or reviewed in preparing your responses to Plaintiff's Second Set of Interrogatories.

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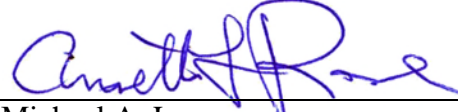
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**RESPONSE TO REQUEST NO. 2:**

Defendant objects that this request seeks disclosure of attorney-client privileged and attorney work product privileged documents. (Code Civ. Proc. § 2018.030; Evid. Code §§954-956.)

Dated: December 8, 2023

GORDON REES SCULLY MANSUKHANI, LLP

By:   
Michael A. Laurensen  
Annette L. Rose  
Attorneys for Defendant  
VECTRA AI, INC.

Gordon Rees Scully Mansukhani, LLP  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

**Gordon Rees Scully Mansukhani, LLP**  
275 Battery Street, Suite 2000  
San Francisco, CA 94111

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**VERIFICATION TO FOLLOW**

Re: *MICHAEL STERN v. VECTRA AI, INC*  
Case No. 5:23-cv-01522-SVK

### PROOF OF SERVICE

I am a citizen of the United States. My business address is 3 Parkcenter Drive, Suite 200, Sacramento, California 95825. I am employed in the City and County of Sacramento where this service occurs. I am over the age of 18 years and not a party to the within action. I am readily familiar with my employer's normal business practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and that practice is that correspondence is deposited with the U.S. Postal Service the same day as the day of collection in the ordinary course of business.

On December 8, 2023, following ordinary business practice, I served a true copy of the foregoing document(s) described as:

#### DEFENDANT VECTRA AI, INC.'S RESPONSE TO PLAINTIFF'S SECOND SET OF INTERROGATORIES AND THIRD REQUEST FOR PRODUCTION

☐ MAIL: I caused such envelope(s) with postage thereon fully prepaid to be placed in the United States mail at Sacramento, California to the offices of the addressee(s) listed below:

☐ PERSONAL SERVICE: I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

☐ OVERNIGHT DELIVERY: I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.

☒ **BY EMAIL OR ELECTRONIC TRANSMISSION:** I caused the documents to be sent to the person(s) at the E-Mail address(es) listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

<b><i>Attorneys for Plaintiff Michael Stern</i></b> Bruce C. Fox Hugh T. McKeegan Obermayer Rebmann Maxwell & Hippel LLP 525 William Penn Place, Suite 1710 Pittsburgh, PA 15219 T: (412) 566-1500; F: (412) 281-1530 <a href="mailto:bruce.fox@obermayer.com">bruce.fox@obermayer.com</a> <a href="mailto:hugh.mckeegan@obermayer.com">hugh.mckeegan@obermayer.com</a>	<b><i>Attorneys for Plaintiff Michael Stern</i></b> Chaka Okadigbo HKM Employment Attorneys LLP 700 S. Flower Street, Suite 1067 Los Angeles, CA 90017 T/F: (213) 431-6209 <a href="mailto:cokadigbo@hkm.com">cokadigbo@hkm.com</a>
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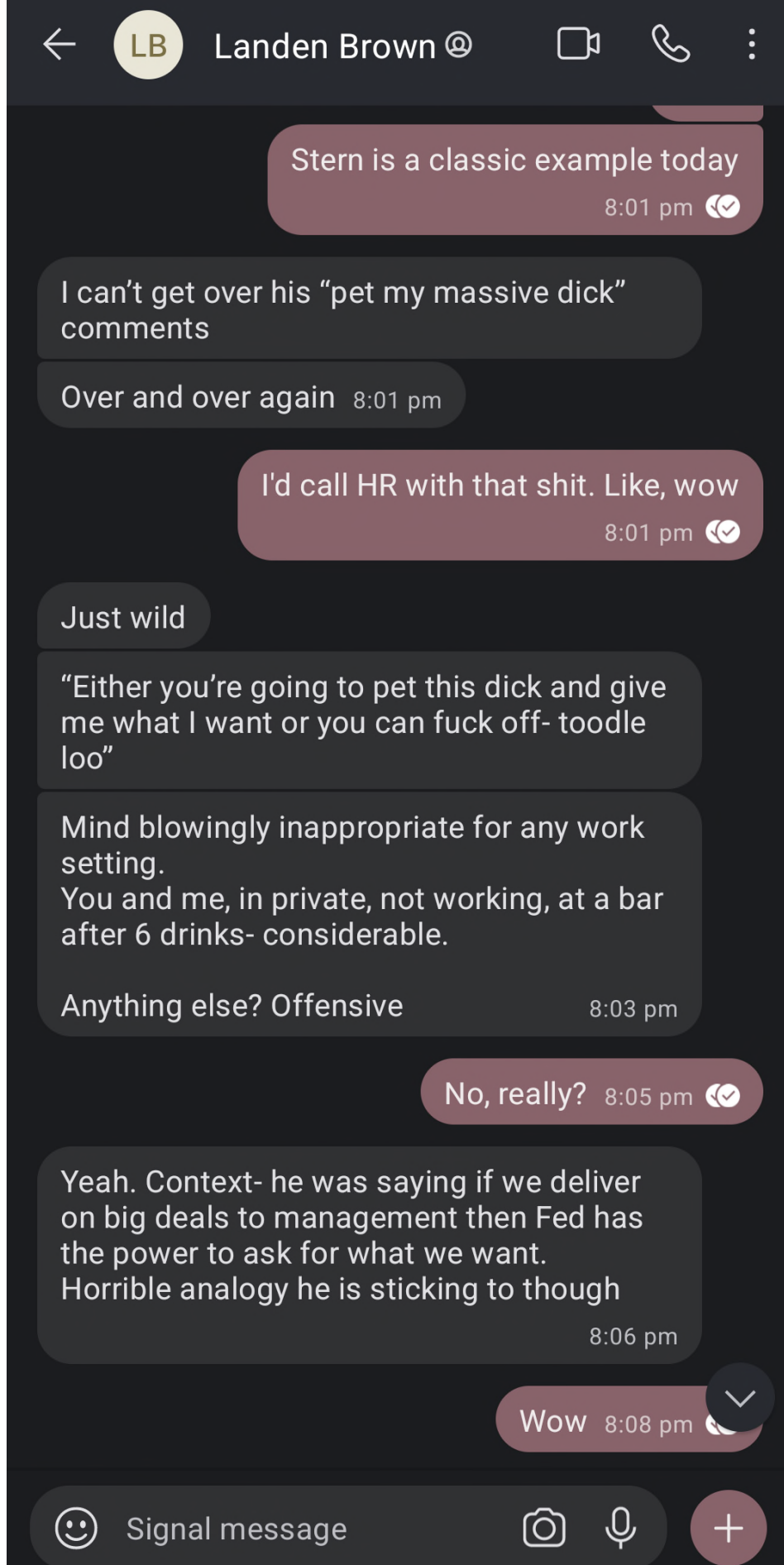
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 8, 2023, at Sacramento, California.

  
VERONICA WHITAKER

# EXHIBIT 3





8:35

← M Melanie Tuscher why you're leaving. 📺 📞 ⋮

Tuesday, Jun 7, 2022 • 5:57 PM

Ha ha!

Stern is going to try and spread all the rumors he can.

It sounded ugly

Between you and me sometimes seemed like a liability.

Stern?

10000%

Yeah

We didn't see eye to eye, at all.

Not sure there were a lot of fans

Glad you've got some executive cooperation

Saturday, Dec 31 • 11:23 AM

Merry Christmas and happy new year old friend! I hope the new gig is treating you



Text message



# EXHIBIT 4

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION  
---o0o---  
MICHAEL STERN,  
Plaintiff,  
vs. No: 5:23-cv-01522-SVK  
VECTRA AI, INC.,  
Defendant.

\_\_\_\_\_/

VIDEOTAPED REMOTE ZOOM DEPOSITION OF MICHAEL STERN

Taken before CAROL SCHILP

CSR NO. 9648

October 3, 2023

I N D E X

PAGE

EXAMINATION BY MR. LAURENSEN

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EXAMINATION BY MR. FOX

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E X H I B I T S

DEFENDANT'S PAGE

EXHIBIT 15 E-mail exchange between Jake 161  
Gallagher and Chris Prophett;  
e-mail forwarded to Michael Stern  
dated July 6, 2022

EXHIBIT 16 E-mail between Michael Stern and 165  
Marcus Fowler  
(Stern 206 & 205)

1 VIDEOTAPED REMOTE ZOOM DEPOSITION OF MICHAEL STERN

2  
3 BE IT REMEMBERED, that pursuant to Notice, and on  
4 the 3rd day of October 2023, commencing at the hour of  
5 12:50 p.m., before me, CAROL SCHILP, a Certified  
6 Shorthand Reporter, remotely appeared MICHAEL STERN,  
7 produced as a witness in said action, and being by me  
8 first duly sworn, was thereupon examined as a witness in  
9 said cause.

10  
11 ---o0o---

12  
13 APPEARANCES:

14 For the Plaintiff:

15 BRUCE C. FOX (present with witness)  
16 HUGH T. McKEEGAN (via Zoom)  
17 Obermayer Rebmann Maxwell & Hippel LLP  
18 525 William Penn Place, Suite 1710  
19 Pittsburgh, PA 15219  
20 412-566-1500  
21 Bruce.fox@obermayer.com  
22 Hugh.mckeegan@obermayer.com

23 For the Defendant:

24 MICHAEL ALAN LAURENSEN (via Zoom)  
25 ANNETTE L. ROSE (via Zoom)  
Gordon & Rees LLP  
1111 Broadway, Suite 1700  
Oakland, CA 94607-4023  
510-463-8711  
Mlaurenson@grsm.com  
Arose@grsm.com



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Also Present:

JILL WARREN, Videographer; Aaron Bean

1 THE VIDEOGRAPHER: Good afternoon. We are on  
2 the record at 12:50 p.m. Eastern time on Tuesday,  
3 October 3, 2023.

4 Please note this deposition is being conducted  
5 remotely using virtual technology. Quality of recording 12:50:21  
6 depends on the participants' quality of equipment and  
7 Internet connections.

8 The deponent and what is heard on screen will  
9 be recorded. Audio and video recording will continue to  
10 take place until all parties agree to go off the record. 12:50:38

11 This is the beginning of media number one of  
12 the video-recorded deposition of Michael Stern, taken by  
13 counsel for defendant in the matter of Michael Stern,  
14 plaintiff, versus Vectra AI, Inc., defendant, filed with  
15 the United States District Court, Northern District of 12:51:00  
16 California, San Jose Division, case number  
17 5:23-cv-01522-SVK.

18 My name is Jill Warren, and I'm the  
19 videographer. The court reporter is Carol Schilp, and  
20 we are representing Veritext Legal Solutions. 12:51:21

21 If there are any objections to proceeding,  
22 please state them at the time of your appearance.

23 Beginning with the noticing attorney, please  
24 state your appearance.

25 MR. LAURENSEN: Mike Laurenson of Gordon & Rees 12:51:34

1 on behalf of Defendant Vectra. I'm joined today by  
2 Annette Rose of my office and Aaron Bean of Vectra.

3 MR. FOX: Bruce Fox on behalf of the plaintiff,  
4 Michael Stern. Participating remotely is my colleague,  
5 Hugh McKeegan. 12:51:53

6 THE VIDEOGRAPHER: Thank you. The court  
7 reporter will administer the oath. Then counsel may  
8 proceed.

9 MICHAEL STERN,  
10 sworn as a witness,  
11 testified as follows:

12 THE WITNESS: Yes.

13 EXAMINATION BY MR. LAURENSEN:

14 Q. Good afternoon, Mr. Stern.

15 A. Good afternoon -- well, good morning, good 12:52:14  
16 afternoon, Counsel.

17 Q. Have you ever had your deposition taken before?

18 A. Yes, sir.

19 Q. Okay. On how many prior occasions?

20 A. One. 12:52:24

21 Q. And you were also present over the last couple  
22 days for the depositions of Aaron Bean and Steve Hill?

23 A. Yes, sir, I was.

24 Q. Were you present for the entirety of both of  
25 those depositions? 12:52:39

Page 8

1 Q. -- following the NCR test results. And I'm  
2 asking you to explain to me how you had to "tread  
3 lightly."

4 A. Well, I wasn't going to allow Sharkcage -- you  
5 know, Vectra to be deployed on a -- on a Naval vessel, 17:11:22  
6 for instance, without getting --

7 Q. But that didn't occur.

8 A. But that's what I meant --

9 Q. But that didn't occur so I'm --

10 A. -- by treading lightly. I mean -- 17:11:31

11 Q. Okay.

12 A. -- you could still go through the sales  
13 process, but selling and deploying are two separate  
14 things, Counsel.

15 Q. Did you actually change or do differently 17:11:38  
16 anything about your job after the NCR test results?

17 A. No, not fundamentally, no.

18 Q. Okay.

19 A. No, same thing.

20 Q. I'm not talking fundamentally. I'm talking in 17:11:50  
21 any way?

22 A. No. We were still building pipeline. We were  
23 still going out there and going to the trade shows and  
24 doing all that stuff. No.

25 Q. And so did you -- did -- following the NCR test 17:12:03

1 results, did you say anything to any potential customer  
2 that was a misrepresentation?

3 A. No.

4 Q. So how is that possible? I don't -- explain to  
5 me how it's possible for the NCR test to reveal 17:12:27  
6 fundamental vulnerabilities in the product --

7 A. Uh-huh.

8 Q. -- but for you to be able to sell it exactly  
9 the same as you had before without making any  
10 misrepresentations? How is that possible? 17:12:41

11 A. Because, Counsel, I'll remind you that I told  
12 you that I was still operating under the belief that we  
13 would successfully identify the root cause or causes for  
14 it, that I was still operating and believing that other  
15 people were operating in good faith, that, yes, somehow, 17:12:57  
16 someday we'll get to the bottom of this, per Marty  
17 Sanders. There was only towards --

18 Q. So how do you know that there's -- how do you  
19 know there's actually a problem? How do you know that  
20 what Nathan said in his e-mail isn't the truth and 17:13:11  
21 there's not actually a problem with the product, but a  
22 product with the -- a problem with the test? Do you  
23 actually know that that's not true?

24 A. Well, part of the problem is Vectra never  
25 re-created the test, which you would think after -- 17:13:23